

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
<b>vs.</b>	:	<b>CR CASE NO. 06-73 GMS</b>
	:	
<b>DION L. BARNARD</b>	:	
<b>Defendant</b>	:	

**MOTION FOR CONTINUANCE**

The Defendant, Dion L. Barnard, by and through his attorney, Joseph A. Ratasiewicz, Esquire, moves this Court for an Order granting a continuance of the Motion to Suppress hearing in this matter scheduled for June 14, 2007 and avers as follows:

1. That Defendant filed a Motion to Suppress Evidence in this matter.
2. That Defendant's Motion for Suppression is scheduled to be heard on June 14, 2007 before Honorable Gregory M. Sleet.
3. That Defendant respectfully requests that the suppression hearing scheduled for June 14, 2007 be continued for the following reasons:
  - (a) Pharmakon Lab has agreed to re-weigh and analyze the drugs in this case and that the results of their testing could significantly change the posture of the case and could likely result in a non-trial disposition;
  - (b) The re-testing and results thereof can be accomplished within thirty (30) days from the date Pharmakon receives the evidence from the U.S. Department of Justice;

(c) Pharmakon has recently moved its facility to the University of Pittsburgh campus which has delayed our ability to contract with them for the reweighing of the evidence in this matter; (as we were optimistic that said testing would have been accomplished by the Motion date).

(d) If Defendant litigates the motion on June 14, 2007, he will be sacrificing downward departure points which will affect his sentencing; and

(e) Defendant's motion on Thursday, June 14, 2007, is not dispositive of the entire case.

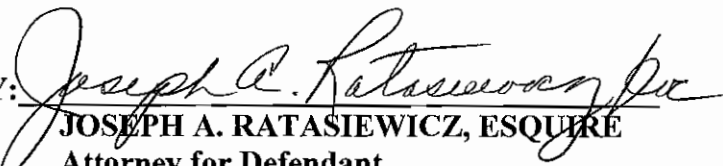
4. That Shannon Hanson, Esquire, Assistant United States Attorney, has represented to counsel for Defendant that the Government has no objection to this continuance.

5. That without such a continuance, it would be a miscarriage of justice.

6. That the ends of justice served by granting a continuance in this matter outweigh the interests of the public and the defendant in a speedy trial.

**WHEREFORE**, Defendant requests this Honorable Court grant the relief requested in this Motion.

Respectfully submitted:  
**FRONT STREET LAWYERS, P.C.**

BY:   
**JOSEPH A. RATASIEWICZ, ESQUIRE**  
**Attorney for Defendant**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**UNITED STATES OF AMERICA**

**VS.**

DION L. BARNARD

**Defendant**

CR CASE NO. 06-73 GMS

## ORDER

**AND NOW**, this            day of     , 2007, upon  
consideration of the within Motion for Continuance, it is hereby **ORDERED and**  
**DECREED** that said Motion is **GRANTED**; and that said Motion to Continue the  
Suppression hearing in this matter is continued from June 14, 2007 to \_\_\_\_\_  
at A.M/P.M..

**BY THE COURT:**

**J.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA	:	
	:	CR CASE NO. 06-73
vs.	:	
	:	
DION L. BARNARD	:	
Defendant	:	

**CERTIFICATION OF SERVICE**

I, Joseph A. Ratasiewicz, Esquire, hereby certify that a copy of the within Motion for Continuance has been served by e-mail and 1<sup>st</sup> Class U.S. Mail Postage Prepaid on June 11, 2007 to:

*Shannon T. Hanson, Esquire  
Assistant U.S. Attorney  
The Nemours Bldg.  
1007 North Market Street, Suite 700  
P.O. Box 2046  
Wilmington, Delaware 19899-2046*

and to:

*Honorable Gregory M. Sleet  
U.S. District Court for State of Delaware  
844 King Street, Room 3124  
Wilmington, Delaware 19801  
Via UPS Next Day Air*

Respectfully submitted:  
FRONT STREET LAWYERS, P.C.

BY:   
JOSEPH A. RATASEWICZ, ESQUIRE  
Attorney for Petitioner/Defendant

**Date: June 11, 2007**